IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24044 of 2004

Between:

V.M.Narayana Swamy S/o.V/Munu Swamy
H.No.17/95,Main Road Cross, B-Kothakota-517 370,
Chittoor Dist.

..... PETITIONER

AND

1 The Chief Secretary to Govt of A.P., Secretariat Hyderabad.
2 The Principal Secretary, Panchayatraj Department
Secretariat Buildings, Hyderabad.
3 The Commissioner & Director of School Education, Govt of Andhra Pradesh, Saifabad, Hyderabad-500004.
4 The Chief Executive Officer, office of Zilla Parishad,
Chittoor, Chittoor Dist.
5 The Parishad Educational Officer, office of Zilla Parishad,
Chittoor, Chittoor Dist.
6 Secretary to Education (Ser-I) Department, Secretariat Buildings,
Hyderabad 500 022.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court

will be pleased to issue a writ or order or direction more particularly in the nature of Writ of Mandamus directing the respondents to pay the petitioner interest on the amounts paid viz. pension, gratuity and commutation from the date of retirement till the date of payment as per the orders passed in O.A.No.11201/02 as well CMA 197/03 or else the Honourable court may be pleased to grant interest @ 18% as per the decision taken by the Honorable Supreme Court that for any delayed payment to a pensioner made, that he has to be paid@ 18% and the petitioner in this regard leaves to the entire discretionary power of the Honourable court.

Counsel for the Petitioner: Mr.V.M.Narayana Swamy, PARTY-IN-PERSON

Counsel for the Respondent No.: Government Pleader for Services-II

The Court made the following :

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ORDER: (per Hon'ble Sri Justice G.Bikshapathy)

The Writ Petition is filed challenging the order of the A.P. Administrative Tribunal in O.A.No.11201/2002 dated 17-2-2003 to a very limited extent.

2. The petitioner though retired from service on 31-9-1999, his retirement benefits were not released and therefore he approached the A.P. Administrative Tribunal in O.A.No.11201/2002. The Tribunal after considering the matter directed the respondents to release the retirement benefits with interest @ 6% per annum from the date of retirement till the date of payment. Not satisfied with the interest granted by the Tribunal, the present Writ Petition has been filed.

3. The petitioner, party-in-person, submitted that the interest awarded by the Tribunal on the benefits accrued to him on retirement is very meager. He relied on a decision of the Supreme Court in **VIJAY L.MEHROTRA (2001(9) SCC 687)** wherein the Supreme Court directed the Government to pay interest @ 18% per annum on the retirement benefits to the appellant therein from the date of retirement till the date of payment. Therefore the petitioner prayed for a similar reliefs in his case also.

4. We have heard the learned Government Pleader for Services-II on this aspect.

5. The only question that arises for consideration in the present Writ Petition is whether the petitioner is entitled to any enhancement of

interest on the retirement benefits accrued to him, and if so to what extent.

6. Admittedly, in the instant case, the petitioner retired from service in 1999 having served for 28 years and since there was delay in payment of regular pension and retrial benefits such as Gratuity, Commutation, FBF and GIS, the Tribunal awarded interest @ 6% per annum from the date of retirement till the date of payment. Keeping in view the decision of the Supreme Court referred supra, we deem it proper to enhance the interest awarded to the petitioner on the retirement benefits from 6% to 12% per annum from the date of retirement till the date of payment.

7. With the above modification, the Writ Petition is disposed of at the admission stage. No order as to costs.

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Justice P.S.Narayana

Date : 28-12-2004

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ASSISTANT REGISTRAR

To:

1 The Chief Secretary to Govt of A.P., Secretariat Hyderabad.
2 The Principal Secretary, Panchayatraj Department
Secretariat Buildings, Hyderabad.
3 The Commissioner & Director of School Education, Govt of Andhra Pradesh, Saifabad, Hyderabad-500004.
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6 Secretary to Education (Ser-I) Department, Secretariat Buildings,
Hyderabad 500 022.

7. The Registrar, A.P. Administrative Tribunal, Hyderabad

8. 2 CCs to Government Pleader for Services-II, High Court of A.P., High Court Buildings, Hyderabad. (OUT)

9. 2 C.D. copies